

Rec'd 3/6/07  
FILED  
JAMES BONINI  
CLERK

**United States District Court**

for

07 MAR -6 AM 11:24

**Southern District of Ohio**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Ricardo Lee**

Case Number: **1:02CR00077**

Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber,  
United States Senior District Judge**

Date of Original Sentence: **November 17, 2005**

Original Offense: **Felon in Possession of a Firearm, in violation of 18 USC §§ 922(g)(1) and 924 (a)(2),  
a class C felony.**

Original Sentence: **18 months BOP confinement, three (3) years supervised release. On November 16,  
2005, Supervised Release revoked, 9 months BOP confinement, one (1) year supervised release.**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **July 28, 2006**

Assistant U.S. Attorney: **Ralph Kohnen, esq.**

Defense Attorney: **Richard Smith- Monahan, esq.**

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**PETITIONING THE COURT**

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- ☒ To issue a warrant  
☐ To issue an Order to Appear and Show Cause  
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	<p><b>Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;</b></p> <p>On November 7, November 17, and December 5, 2006, Lee submitted urine specimens, which returned positive for usage of cocaine.</p>
#2	<p><b>New Law Violation:</b></p> <p>On October 6, 2006, Lee was arrested on charges of Driving Under the Influence, Driving Under Suspension, Reckless Operation, and a Seat Belt violation. The charges are still pending in Hamilton county Municipal Court.</p> <p>The incident involved Lee driving a vehicle in an admitted suicide attempt to crash the vehicle by driving it over a hill. He was operating the vehicle in a reckless manner at a high rate of speed, and hit something, and the vehicle rolled over. Lee sustained minor injuries, and was transported to the hospital. He was admitted to Psychiatric Emergency Services at University Hospital and was kept there for a 72 hour hold due to the suicide attempt.</p>

Lee was released on October 10, 2006 when he was determined to no longer be a threat to himself.

#3

**Special Condition # 6—The defendant shall participate in and complete mental health treatment as directed by the probation officer.**

Upon release from Bureau of Prisons custody, Lee was referred to Ikron, Inc for mental health treatment services. Since the referral date, Lee has attended only seven sessions since then, and in one of the seven sessions, Lee left after only 10 minutes. This issue has been regularly addressed with Lee by this officer without any improvement.

In addition, Lee is not taking his psychiatric medications as prescribed, and has experienced visual hallucinations. He has verbalized very paranoid ideations about people wanting to kill him, people following him, the police being after him, and dogs after him inside of his residence. He also has had numerous thoughts of suicide over the few months, including one attempt through an automobile accident. His family is very concerned about him, and have witnessed the ideations and hallucinations mentioned above.

#4

**Special Condition # 5—The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol.**

Since the inception of the supervision, Lee was instructed to report every week for a drug test. Since then, Lee has missed half of the drug tests required. He has submitted 14 out of the 28 required through the end of February 2007.

18 USC § 3583(g)(3) requires revocation for failing to comply with drug testing requirements.

#5

**Condition #3: You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;**

This officer has on numerous occasions during the term of supervision specifically instructed Lee to have no contact with Teresa Dudley, the mother of his daughter due to the amount of dysfunction in their relationship, and the history of physical abuse on the part of Lee towards Dudley. Lee has regularly disregarded the instructions and had contact with Dudley, which continues as of the date of this petition.

#### **U.S. Probation Officer Recommendation:**

Lee has definitely de-compensated through not taking his psychiatric medication as prescribed, suspected substance abuse, and lack of attendance at his mental health treatment. He has demonstrated himself to be a threat to himself and to others, namely Teresa Dudley. Lee is currently experiencing paranoid ideation, visual hallucinations, and obsessive behaviors. Over the last 72 hours, Lee has called the U.S. Probation Office over 40 times in very difficult to understand messages in which he repeats the same paranoid statements. Lastly, Lee's mother has expressed concerned over the behaviors her son has exhibited. Based on these reasons and the violations mentioned above, this officer is respectfully recommending a warrant be issued for supervised release violation.

The term of supervision should be

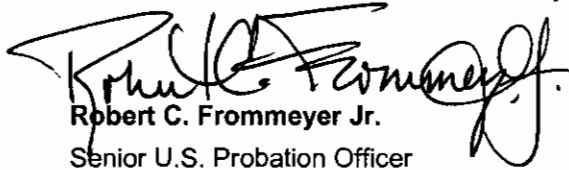
- ☒ Revoked.  
☐ Extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.  
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)  
☐ The conditions of supervision should be modified as follows:

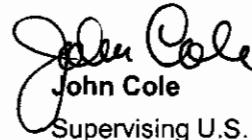
I declare under penalty of perjury that  
the foregoing is true and correct.

Executed on March 5, 2007

Approved,

by

  
Robert C. Frommeyer Jr.  
Senior U.S. Probation Officer

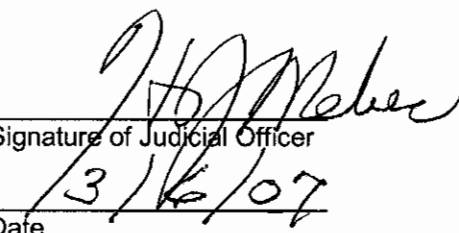
  
John Cole  
Supervising U.S. Probation Officer

Date: March 6, 2007

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THE COURT ORDERS:

- ☐ No Action  
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.  
☐ The Issuance of an Order to Appear and Show Cause  
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.  
☐ Other

  
Signature of Judicial Officer

Date 3/6/07

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